



The Elder & Disability Law Firm  
of Victoria L. Collier, PC

# VICTORIA'S VOICE: COMFORT NEWS TO USE CONFIDENCE . COMFORT. CARE.

*It is the mission of The Elder & Disability Law Firm of Victoria L. Collier  
to EMPOWER not impoverish our clients.*

*Winter 2015 Edition*

## NEW YEAR *NEW OFFICE* NEW LAWS

### **MEDICAID MISUNDERSTANDING**

In February I was assisting a long-time client of four years with their newest crisis, nursing home admission for at least one, but possibly both parents. The family is a bit "messy." The health care complications are also messy. They enlisted the assistance of a very wonderfully qualified geriatric care manager (GCM); someone I have known and worked with for over 10 years. When working independently, but for the same client, it is necessary for the two different types of professionals to communicate with each other. I am so glad we did on this case because the GCM made a comment that the client "would never qualify for Medicaid owning the house because it was rented" to another person and is no longer the "home place." ***This is not correct.*** The home place, as long as the client only has one, is exempt as a Medicaid resource even if it is vacant or rented to another, as long as the Medicaid applicant has the intent or desire to return to live there someday. Although the probability of going back may be slight to none, almost all of my clients want to go "home." If that is the case, the house remains exempt. I explained this to the GCM and her response was, "Thank you. That is why you do what you do and I do what I do." Yes, yes it is. When a client needs medical management, we encourage the assistance from a GCM, but when a client needs information about estate planning, asset preservation, VA Benefits or Medicaid qualification, we recommend you call us.

*"When Mom passed away, Dad already had Alzheimer's and we were left to try to take care of Dad and his business affairs without a clue of how to go about it. After about a year, someone recommended that we call Victoria Collier. Once the call was made, she told us exactly what we needed to do, and she guided us all along the way. Disaster was averted, and the very best of a bad situation was made. I wish we had called sooner!"*

*- Brian C.*

### **IN THIS ISSUE**

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- NEW Laws Proposed by VA Imposing a 3-Year Look Back for Transfer of Assets
- Client Testimonials

The Elder & Disability Law Office of Victoria L. Collier, PC is excited for 2015 to be here. The year 2014 was one of change for us, the biggest of which was moving our offices from the Fidelity Bank building to new space located at 315 W. Ponce de Leon Avenue, Suite 600, Decatur, Georgia 30030. Not only did we need more space, but we wanted to be able to provide our educational seminars within our own suite and host social events for our wonderful clients and referral sources. These are just a few pictures of the Open House.



Pictured to the left from left to right; Cody Snyder, Daphne Reiley, Sabrina Scott, Melanie Richardson, Victoria Collier, Stephanie Drake, Chris Ashcraft

Because our team continues to grow, we thought it would be a great opportunity to introduce you to everyone and what their role is for the office.

**Victoria Collier, Certified Elder Law Attorney—*Managing Attorney***—focusing on our Asset Protection, VA Planning and Medicaid Planning clients.

**James Miskell, *Of-Counsel Attorney***—meets with our estate planning clients and assists with all the signing of documents.

**Stephanie Drake—*Director of First Impressions***—answers your calls and directs them to the right person and also greets all guests of the law firm.

**Anne Spengler—*Client Consultation Coordinator***—conducts the first telephonic interview to gather information and determine whether clients will best benefit from attending our free educational workshop prior to consultation or directly scheduling a consultation with Victoria or James.

**Melanie Richardson, LMSW—*Client Care Coordinator***—provides our community education seminars, assists clients with health care concerns and placement recommendations to care providers.

**Daphne Reiley—*Estate Planning Legal Assistant***—ensures the estate planning documents are prepared timely and accurately to ensure a smooth process for our clients.

**Sabrina Scott—*Government Assistance Paralegal***—manages all aspects of VA Benefits and Medicaid Planning for clients.

**Chris Ashcraft—*Government Assistance Legal Assistant***—gathers all documents from clients needed to complete VA and Medicaid applications and ensures proper filing of each.

**Sherry Cade—*Government Assistance Legal Assistant***—assists with Medicaid and VA Applications.

**Cody Snyder—*Community Relations Associate***—builds and maintains quality relationships with community resource providers, such as nursing homes, assisted living facilities, independent living facilities, home health care, etc.

## CLIENT TESTIMONIAL

Victoria,  
  
Now that we have received the order of discharge from the Probate Court, I wanted to convey once more our heartfelt thanks to you and everyone at your firm for all you've done for the Grant family. You can be sure we will recommend you to others needing your services. God bless.

Best Regards,

R. Grant

## Veterans Affairs Proposes to Begin Penalizing Wartime Veterans for Making Gifts

On January 23, 2015, the VA issued “proposed” regulation that would:

- Implement a 3 year look-back for transfers for less than fair market value
  - This includes all transfers to trusts and annuities
- Impose a penalty period of up to 10 years
- Calculate the penalty differently for Veterans and Widow(er)s; wherein the penalty will be almost twice as long for widow(er)s for transferring the exact same amount
- Treat all the land attached to the personal residence as “countable” for net worth purposes if the lot exceeds 2 acres.
- Set an asset limit of \$119,220, which includes ALL assets and ALL income of both spouses
- Limit deductible home health care expenses to \$21 per hour
- Exclude all costs of independent living facilities from being considered as permissible medical deductions

The VA acknowledges that only 1% of VA Pension claimants make any transfers before applying for benefits, yet they want to penalize 100% of Wartime Veterans for these actions. The Veterans and Widow(er)s who will be most effected by these proposed changes are those with any type of dementia, to include Alzheimer’s Disease; those who have modest assets, but more than the asset limit; those who need a safe environment and who desire to live in independent living facilities because they can no longer drive; those who need extensive care; and Widow(er)s of Veterans. These changes will push Veterans prematurely into nursing homes to seek Medicaid, creating a further burden to state and federal budgets. Moreover, senior living facilities, less restrictive alternatives to nursing homes, will be financially crippled by these proposed changes.

If you are a Veteran, Widow(er) of a Veteran, love a Veteran or a care provider who assists Veterans, then I encourage you to ACT and use your VOICE now to publicly oppose these proposed changes. Public Comments are welcome, but the time period to make them **EXPIRES March 24, 2015**. Make a public comment through <http://www.regulations.gov> or by mail or hand-delivery to: Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Comments must include that they are **in response to “RIN 2900-AO73, Net Worth, Asset Transfers, and Income Exclusions for Needs-Based Benefits.”**

### CLIENT TESTIMONIAL

*Victoria and her staff were quite thorough, informative and helpful. I have already recommended a few people to this firm to learn about the VA process and navigating care/finances for parents.*

*- Andrea A.*

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## UPCOMING EDUCATIONAL WORKSHOPS

*\*There is no fee to attend the workshops, however due to a limited number of reservations available, you are required to call the office to secure a seat. The time of the workshops are 3:00PM—5:00PM.*

*Wednesday, April 15th*

*Wednesday, April 29th*

*Wednesday, May 13th*

*Wednesday, May 27th*

*Wednesday, June 10th*

*Wednesday, June 24th*

## CONTACT US

Give us a call for more information about our services and products .

**The Elder and Disability Law Firm of**

**Victoria L. Collier, PC**

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